

## ***DISTRICT III ADVISORY BOARD***

### **MINUTES**

Tuesday, September 4, 2001

7:00 p.m.

Colvin Mini City Hall, 2820 S. Roosevelt

#### **Members Present**

Bill Ward  
John Kemp  
Jim Skelton  
Jim Gulick  
Judy Dillard  
Phyllis Hall

#### **Members Absent**

Gene Fuhr  
Lois Ann Newman  
Phil Bloomquist  
Brent Turnipseed  
Matt Foley

#### **Visitors**

Harry Johnson  
Gerald Hall  
Jess McNeely  
Officer Jeff Andres

### **ORDER OF BUSINESS**

#### **Call to Order**

**Council Member Lambke** called the meeting to order at 7:10 p.m.

#### **Approval of Minutes**

The minutes of the August 7, 2001 meeting were unanimously approved, Skelton(Gulik).

**Action: Approved by vote of 6-0.**

#### **Public Agenda Off-agenda Items**

1. **Board member Skelton** asked the DAB board to provide comment on a Board of Zoning Appeals case, BZA 2001-00043. Usual procedure does not require DAB input, however both **Council member Lambke** and Board member Skelton feel this case is worthy of comment. The case involves Joe H. and Linda Tillman of 1113 E. Alturas, who recently had a carport built. The contractor built it on a Saturday without obtaining a building permit, claiming one was not needed because the structure was not attached to the Tillman's house. The contractor was mistaken, a building permit was needed, the car port was built out of compliance with the city's zoning code and the City of Wichita says it needs to be torn down because it is only 5'9" from the property line instead of the

required 25'. The Tillman's are asking the Board of Zoning Appeals for a variance on this zoning requirement.

Board member **Hall** said this case was just like the Aces Pawn Shop at Hillside and Pawnee, the owner's request for zoning change was denied but he had a fence built by a contractor who did not obtain a building permit. Furthermore the business owner appears to be conducting business just as he wished to regardless of the zoning decision. She does not feel like people should be allowed to do whatever they want to do especially when it is against the law. **Council member Lambke** stated this was a practice to be discouraged.

Board member **Skelton**, a member of the Board of Zoning Appeals states they will evaluate the merits of this case on Tuesday September 25, 2001 at 1:30 PM based on uniqueness; hardship on the property owner; effect on adjacent property owners and the public; and finally the spirit and intent of the zoning code.

Both DAB III Board members **Gulick** and **Dillard** feel the work done by the Board of Zoning Appeals is important and all District Advisory Boards should be able to provide input on these issues.

**Action: Board member Gulick moved, seconded by Bill Ward that staff compose a letter from DAB III to the Board of Zoning Appeals stating their opposition to this variance. Motion passes unanimously 6-0.**

2. The board discussed Ace's Pawn Shop located at Pawnee and Hillside, Jarold Lewis' request for a zoning change was denied, however it appears he is conducting business as he wishes. He sees me to be storing pawned cars in the area in back of his store behind a fence built without a building permit. Current zoning doesn't support that kind of activity. DAB members requested staff send a letter to the Office of Central Inspection requesting investigation of the unlawful activity.

**Action: Board members request that staff write a letter to Office of Central Inspection asking them to investigate seemingly illegal storage of cars on the property.**

3. **John Kemp** reported he is organizing the DAB III field trip to the Cornejo Landfill. It is scheduled for Saturday, September 22, 2001. All DAB III members are welcome to attend. The group will meet at the new Colvin Neighborhood Center 2820 S. Roosevelt at 8 AM that Saturday morning. Coffee and doughnuts will be served.

**Action: Board members request that staff notify all DAB III board members of this event.**

4. Staff reminded the board members the conference room of the new Colvin Neighborhood Center is available for meetings. They would need to be scheduled with Vicki at 303-8030.

**Action: Receive and file.**

5. Staff reminded the board members that the Grand Opening for all four new community centers is to be held on Saturday, September 29, 2001. The Colvin Neighborhood Center festivities will be held between 11AM – 1 PM. There will be a live broadcast by KRZZ radio, free Papa John's pizza, multi-lingual story telling, representation of City of Wichita services, clowns and children's games. Everyone is invited to join the fun.

**Action: Receive and file.**

6. **Kemp** requested follow up regarding the traffic count that was to be conducted at Pawnee & Cheyenne as well as another one to be done at Volutsia & Dunham.

**Action: Staff will follow up.**

#### **Planning Agenda**

7. **ZON2001-00046** Request for amendment to Protective Overlay #14 (Z-3221) to waive requirement for masonry screening wall. **Jess McNeely** of the Planning Department informed the board members that Protective Overlay #14 was implemented in 1997 when Precision Metalcraft requested and received a zoning change from Limited Commercial and Single Family to a Limited Industrial classification. The masonry screening wall requirement was implemented along with two other criteria. The company accepted these conditions. The screening wall, to be built when the company developed additional areas on their lot, was in response to the adjacent residential neighbor concerns about heightened noise levels. The company, ready to develop additional areas of the property, is now requesting the screening requirement be waived. Zoning code requires screening on all properties adjoining residential zoning districts. This wall requirement exceeded code requirements in that it was to be 6 foot tall and masonry so that it would mitigate noise from the industrial setting of Precision Metalcraft.

Jess stated when the Protective Overlay was written the authors didn't realize that the other side of the required screening wall in some cases was a vegetation buffer by Joyland and that even though it is zoned residential, there are no real residences located in some areas surrounding the industrial property. Therefore the Planning staff recommended the wall be waived on the West and North side of the property but not on the South side which buttresses a residential neighborhood. **John Kemp** and **Judy Dillard** commented that they had been involved with the zoning case on this property back in 1997.

Due to unfortunate timing and the Labor Day holiday, this case was scheduled and has already been heard by the Metropolitan Area Planning Commission on August 23, 2001. Aware of this DAB Board member, **Kemp** questioned **McNeely** regarding neighborhood turn out at the MAPC hearing and he said no one provided testimony. DAB Board member **Kemp** stated he didn't think the neighbor notification requirements required by zoning procedures were far reaching enough that zoning should be required to notify

anyone living within two blocks of the proposed change. He continued saying he had 5 interested parties, neighbors of this business, testifying about the noise level at the K-15 Neighborhood Association held on August 27, 2001.

Staff assured DAB members that future out of sequence planning cases will receive careful scrutiny and appropriate Neighborhood Association members will be notified. In that way neighborhoods subject to impact by pending changes can provide appropriate input to planning staff.

**Recommended Action:** **Bill Ward** moved and **Kemp** seconded that DAB III support the Planning staff recommendation. The motion passed 6-0 in favor. Kemp stated he didn't feel like the voice of DAB III wasn't very loud.

#### **Board Agenda**

8. Officer Jeff Andres introduced himself as the new Community Policing Officer for the Patrol South Bureau, he replaces Officer Ed Brower who has received a promotion. His phone number is 337-9000 and he looks forward to working with us.

The phone number for Officer Jaimie Crouch, Community Policing Officer for Patrol East is 688-9331.

#### **Recommended Action: Receive and File**

8. Phyllis Hall requested information from City Hall regarding the Planeview Revitalization Plan, she wonders where the plan stands.

#### **Recommended Action: Staff will arrange for a presentation for future meeting.**

9. Harry Johnson, senior citizen and participant of the Golden Age Club provided information regarding programs and activities for senior citizens at Colvin Community Center.

#### **Recommended Action: Receive and File.**

The meeting adjourned at 8:25 PM.